

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DAVID BILLUPS,	:	NO: 1:01-CV-00377
	:	
Plaintiff,	:	
	:	<b>ORDER</b>
v.	:	
	:	
JAMES MCWEENEY, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 139), to which no objection was filed.

Plaintiff had filed motions for Rule 11 Sanctions and for Evidentiary Hearing (docs. 126 & 27), seeking sanctions against the Defendants for misleading the Court by the filing of Defendant Audrey Young's Supplementary Objection in which she stated that she had no involvement in Plaintiff's claim for denial of access to courts. The Magistrate Judge found Plaintiff's motions lacking in merit because this Court, on December 30, 2003, (doc. 133), has already rejected the theory that there is anything improper in the filing of Defendant Young's Objection (doc. 139). The Magistrate Judge further found that Plaintiff failed to comply with the two-step process of Rule 11, and for such procedural reason his motion should be denied (Id.).

Having reviewed this matter, the Court finds the Magistrate Judge's Report and Recommendation thorough and well-reasoned. Plaintiff's Rule 11 motion fails both in substance and

for procedural deficiency. For these reasons, the Court finds well-taken the Magistrate Judge's Report and Recommendation.

Proper notice was given to Plaintiff under Title 28 U.S.C. § 636(b)(1)(C), including the notice that Plaintiff would waive further appeal if he failed to file an objection to the Magistrate Judge's Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947, 949-50 (6<sup>th</sup> Cir. 1981).

Having reviewed this matter de novo, pursuant to Title 28 U.S.C. § 636, the Court concludes that the Magistrate Judge's Report and Recommendation is correct. Accordingly, the Court hereby ADOPTS the Magistrate Judge's Report and Recommendation (doc. 139), and DENIES Plaintiff's Motions for Rule 11 Sanctions and for Evidentiary Hearing (docs. 126 & 127).

SO ORDERED.

Dated: March 7, 2004

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge